

**REAL ESTATE BOARD
MINUTES
OCTOBER 27, 2005**

PRESENT: Richard A. Kollmansberger, Peter Sveum, Maria Watts (via telephone),
Lloyd Levin, and Lisabeth Weirich

EXCUSED: Dennis Pierce

STAFF PRESENT: Roxanne Peterson, Direct Licensing Coordinator; William Black, Legal
Counsel; Pat Schenck, Bureau Assistant; Mark Herman, Attorney, DOE,
and Division of Enforcement Staff

GUESTS: Rick Staff, Wisconsin Realtors Association
Jay Reiffert, Director of Operations, REAL-Reform
Gary R. Goyke, REAL-Reform
Jim Imhoff, First Weber Group
Debbie Conrad WRA
H. Dale Peterson, Stroud, Willink & Howard, LLC

CALL TO ORDER

Richard Kollmansberger, Chair, called the meeting to order at 10:05 a.m. A quorum of five members was present.

ADOPTION OF AGENDA

MOTION: Peter Sveum , moved, seconded by Lloyd Levin, to adopt the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES OCTOBER 4, 2005

Amendment:

- In the motion to go into Closed Session, indicate that Lisabeth Weirich voted yes to go into Closed Session.

MOTION: Peter Sveum moved, seconded by Lloyd Levin , to approve the minutes of October 4, 2005 as amended. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT**

There were no presentations of proposed stipulations by the Division of Enforcement in the following matters.

1. Pamela M. Beck, Schyrita L. Wagner, and Home Team Realty, Inc. (02 REB 245 and 03 REB 213)
2. Christopher J. Kucharas (05 REB 020)
3. Patrick F. Drugg and Gregory A. Slayton (02 REB 026)
4. James A. Kokott (04 REB 080, 166)
5. Theresa A. Winger-Prosser (04 REB 295 & 05 REB 042)

ADMINISTRATIVE REPORT – ROXANNE PETERSON

Board Roster

Noted.

Hotel Reservation Policy

Roxanne Peterson reported on the Department's new hotel policy for 2006. The Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all future hotel reservations in 2006.

Discussion re: ARELLO Membership

Ms. Peterson asked the Board if it would like to rejoin ARELLO. By consensus, the Board agreed not to renew its membership at this time.

REVIEW AND DISCUSSION OF PROPOSED CH. 452 REWRITE (LRB-1387/6)

Board Discussion

Bill Black reported on the discussions that took place at the Joint Committee hearing regarding the proposed changes to the draft of Ch. 452. Mr. Black reported that the bill will not be moved on to the Assembly.

Prescribed Comment Session

Jay Reiffert, Director of Operations, REAL-Reform, addressed the Board and read the amendments they had proposed at the Joint Committee hearing on the proposed legislation.

Jim Imhoff, First Weber Group, addressed the Board and provided information in favor of the proposed legislation.

Gary Goyke, REAL-Reform, addressed the Board and provided comments in opposition of the proposed legislation as it relates to consumers.

Rick Staff, WRA, addressed the Board and spoke in favor of the proposed legislation as written.

Vote – Position of the Board

MOTION: Lloyd Levin moved, seconded by Lisabeth Weirich, to approve LRB-1387/6 legislation changes to Chapter 452. Motion carried unanimously.

**APPEARANCES IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS
AGAINST RONALD BEATON (01 REB 249)**

At this point in the meeting, Richard Kollmansberger, Chair, turned the meeting over to Peter Sveum, Vice Chair. Mr. Kollmansberger did not participate in any discussion relating to the Ronald Beaton case.

Bill Black explained the issues before the Board:

- a. Joint Motion to the Real Estate Board to Receive the Amicus Curiae Brief of the Wisconsin Realtor's Association
- b. Motion to the Real Estate Board to Receive and Consider Expert Testimony of Richard Staff
- c. Request to Appear before the Real Estate Board

Debbie Conrad, WRA, and respondent's attorney H. Dale Peterson, Stroud, Willink & Howard, LLC, presented testimony in support of the above-listed motions.

Mark Herman, Attorney, Division of Enforcement, presented testimony in opposition of the above-listed motions.

The Board will deliberate on this issue in Closed Session.

CLOSED SESSION

At this point, Peter Sveum, Vice Chair, turned the meeting back over to Richard Kollmansberger, Chair.

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Richard A. Kollmansberger-yes; Peter Sveum-yes; Maria Watts-yes; Lloyd Levin-yes; and Lisabeth Weirich-yes.

Open session recessed at 11:25 a.m.

PATRICK F. DRUGG AND GREGORY A. SLAYTON (02 REB 026)

At 11:26 a.m. Mark Herman, Attorney, DOE, addressed the Board in the matter concerning Patrick F. Drugg and Gregory A. Slayton 02 REB 026. Mr. Herman left the meeting at 11:30 a.m.

**DELIBERATION ON MOTIONS IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST RONALD BEATON (01 REB 249)**

At 11:39 a.m. Richard Kollmansberger turned the meeting over to Peter Sveum, Vice Chair. Mr. Kollmansberger was not present in the room during discussion.

Mr. Kollmansberger returned to the meeting at 12:05 p.m. Peter Sveum, Vice Chair, turned the meeting back over to Mr. Kollmansberger, Chair.

RECONVENE TO OPEN SESSION

MOTION: Peter Sveum moved, seconded by Lisabeth Weirich, to reconvene into Open Session at 12:05 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

None.

CASE CLOSINGS

MOTION: Lloyd Levin moved, seconded by Maria Watts, to close the following cases: Motion carried unanimously.
03 REB 120 for no violation
04 REB 012 for no violation
04 REB 194 for no violation

STIPULATIONS

**PAMELA M. BECK, SCHYRITA L. WAGNER, AND HOME TEAM REALTY, INC. (02
REB 245 AND 03 REB 213)**

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Pamela M. Beck, Schyrita L. Wagner, and Home Team Realty, Inc. (02 REB 245 and 03 REB 213.** Motion carried unanimously.

CHRISTOPHER J. KUCHARAS (05 REB 020)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Christopher J. Kucharas (05 REB 020)**. Motion carried unanimously.

PATRICK F. DRUGG AND GREGORY A. SLAYTON (02 REB 026)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Patrick F. Drugg and Gregory A. Slayton (02 REB 026)**. Motion carried unanimously.

JAMES A. KOKOTT (04 REB 080, 166)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **James A. Kokott (04 REB 080, 166)**. Motion carried unanimously.

THERESA A. WINGER-PROSSER (04 REB 295 & 05 REB 042)

MOTION: Lloyd Levin moved, seconded by Peter Sveum, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Theresa A. Winger-Prosser (04 REB 295 & 05 REB 042)**. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

LORI J. FOOTE-EVERTS 04 REB 194

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Lori J. Foote-Everts 04 REB 194**. Motion carried unanimously.

JENNIFER AKRIGHT 05 REB 056

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to accept the Administrative Warning as written in the matter concerning **Jennifer Akright 05 REB 056**. Motion carried unanimously.

**DELIBERATION ON MOTIONS IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST RONALD BEATON (01 REB 249)**

At 12:10 p.m., Richard Kollmansberger, Chair, turned the meeting over to Peter Sveum, Vice Chair. Mr. Kollmansberger did not participate in any discussion and recused himself from voting on the Beaton matter.

MOTION: Lloyd Levin moved, seconded by Lisabeth Weirich, to grant the joint motion of the Respondent and the Wisconsin Realtors Association for the Board to receive an Amicus Curiae brief of the Wisconsin Realtor's Association; and, that Mark Herman is further granted 30 days from the date of the order to file a response brief thereto. Motion carried unanimously. Richard Kollmansberger did not participate in any discussion or voting.

MOTION: Lloyd Levin moved, seconded by Lisabeth Weirich, to deny the motion of the Respondent for the Board to receive and consider expert testimony of Richard Staff, Vice President of Legal Affairs, Wisconsin Realtor's Association. Motion carried unanimously. Richard Kollmansberger did not participate in any discussion or voting.

MOTION: Lloyd Levin moved, seconded by Lisabeth Weirich, to GRANT the motion of the Respondent to permit H. Dale Peterson to appear in person before the Board to make an oral presentation with respect to the Proposed Decision and Order filed in this matter; to DENY the motion as to Rick Staff appearing before the Board; and, to GRANT the opportunity for Mark Herman to appear before the Board for purposes of offering oral argument. Motion carried unanimously. Richard Kollmansberger did not participate in any discussion or voting.

At 12:15 p.m., Peter Sveum, Vice Chair, turned the meeting back to Richard Kollmansberger, Chair.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Peter Sveum moved, seconded by Lloyd Levin, to adjourn the meeting at 12:17 p.m. Motion carried unanimously.